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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,970	06/25/2003	Tong Tee Tan	70010721-2	6461
57299	7590	05/14/2008		
Kathy Manke Avago Technologies Limited 4380 Ziegler Road Fort Collins, CO 80525			EXAMINER BRITT, CYNTHIA H	
			ART UNIT 2117	PAPER NUMBER
			NOTIFICATION DATE 05/14/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

## Application No.

10/606,970

## Applicant(s)

TAN, TONG TEE

## Examiner

Cynthia Britt

## Art Unit

2117

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-23 remain in the present application.

#### ***Response to Arguments***

Applicant's arguments filed 1/22/08 have been fully considered but they are not persuasive.

As per claims 4-7, 10-13, and 17 applicant states in part:

"In the Specification, paragraph [0015-0019], the Applicant describes the motivation for several elements of the invention, including the elements of claim 4. From paragraph [0015], the Applicant discloses, "A drawback of the PRBS error detector 150 [prior art] is that it assumes the portion of the PRBS stored in the seven-stage shift register contains no errors." From paragraph [0024], the Applicant discloses, "In one aspect of the invention, correcting the actual next bit is suppressed until no error has been detected in a plurality of bits in the sequence." Per paragraph [0017], this feature allows accurate bit error rate measurements of systems that have a high as well as low bit error rate performance.

Hence, in a bit sequence error detector, it is useful to determine if the shift register contains no errors, and the Applicant specifically defined this element as part of his invention. See paragraph [0061-0078]. Therefore, the elements of claim 4 are

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distinct, and supported by the Specification. Applicant respectfully requests that the rejection under 35 U.S.C. 112, second paragraph, be withdrawn."

This statement is not clear unless applicant were claiming that at least one error had been detected and then waiting for a specified time (or bits) to pass with no error before correcting the error that had been detected. However this is not what applicant is claiming.

As per Claims 1-3, 8-9, 14-16, 18-23 rejected 35 USC 102(e), applicant argues in part:

" Claims 1-3, 8-9, 14-16, 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Reberga (U.S. Publication No. 200410128603). In response, Applicant has amended independent claims 1, 14, and 21 and respectfully submits that these claims are patentable over Reberga for the reasons provided below. Applicant argues that claim 8 does not anticipate Reberga, and has provided appropriate remarks, and respectfully submits that this claim is patentable over Reberga. The remaining claims depend directly or indirectly on independent claims 1, 8, 14 or 21. Therefore, Applicant respectfully submits that these claims are patentable."

The examiner would like to point out that the limitation "regardless of the statistical distribution of erroneous bits in the bit sequence."

As applicant has stated (on top of page 10): Reberga does not disclose the statistical distribution of errors and their impact on the performance of the error detector.

Therefore it is unclear how this negative limitation in the claim language would read over the prior art.

The examiner would also like to point out that based on the manner in which the arguments were made in this application that it appears there may be more than one invention contained in these claims. The examiner invites applicant to call and schedule an interview prior to responding to this office action to discuss these issues and any issues in the above rejection which are not clear or if applicant believes it would be helpful to discuss the claim language required to overcome the rejections above.

As such the previous rejections will be maintained.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia Britt whose telephone number is 571-272-3815. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571-272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cynthia Britt/  
Primary Examiner, Art Unit 2117